

11.0 Permit Requirements

G. Program Funding

1. Annually, a fiscal analysis of the capital, operation, and maintenance expenditures necessary to comply with all conditions of this permit shall be submitted as required in PART V below.
2. Adequate program funding to comply with all conditions of this permit shall be maintained. Lack of funding does not constitute a justification for noncompliance with the term of this permit.

PART IV. PROGRAM REVIEW AND ANNUAL PROGRESS REPORTING

A. Annual Reporting

1. Annual progress reports, required under 40 CFR 122.42(c), will facilitate the long-term assessment of Baltimore County's NPDES stormwater program. The County shall submit annual reports on or before the anniversary date of this permit. All information, data, and analyses shall be based on the fiscal year and include:
 - c. Expenditures for the reporting period and the proposed budget for the upcoming year.

11.1 SB863 – Financial Assurance Plan Requirements

With the passage of SB863 by the Maryland legislature in the 2015 legislative session and the signature of Governor Hogan on May 12, 2015, the requirement for Phase I MS4 permittees to submit a Financial Assurance Plan became a requirement. This plan is required to be submitted by July 1, 2016 and every two years thereafter. In regards to the financial assurance Plan, SB863 states:

(J) (1) (I) On or before July 1, 2016, and every 2 years thereafter on the anniversary of the date of the issuance of its National Pollutant Discharge Elimination System Phase I Municipal Separate Storm Sewer System permit, a County, including Montgomery County, or municipality shall file with the Department a Financial Assurance Plan that clearly identifies:

1. Actions that will be required of the county or municipality to meet the requirements of its National Pollutant Discharge Elimination System Phase I Municipal Separate Storm Sewer System permit;
2. Projected annual and 5-year costs for the county or municipality to meet the impervious surface restoration plan requirements of its National Pollutant Discharge Elimination System Phase I Municipal Separate Storm Sewer System permit;
3. Projects annual and 5-year revenues or other funds that will be used to meet the costs for the county or municipality to meet the impervious surface restoration plan requirements of its National Pollutant Discharge Elimination System Phase I Municipal Separate Storm Sewer System permit;

4. Any sources of funds that will be utilized by the county or municipality to meet the requirements of its National Pollutant Discharge Elimination System Phase I Municipal Separate Storm Sewer System permit; and

5. Specific actions and expenditures that the county or municipality implemented the previous fiscal years to meet its impervious surface restoration plan requirements under its National Pollutant Discharge Elimination System Phase I Municipal Separate Storm Sewer System permit.

(II) A county or municipality that files a financial assurance plan under subsection (c) (2) of this section shall file on or before July 1, 2016, a financial assurance plan that meets the requirements of paragraph (4) of this subsection.

(2) A financial assurance plans shall demonstrate that the county or municipality has sufficient funding in the current fiscal year and subsequent fiscal year budgets to meet its estimated costs for the 2-year period immediately following the filing date of the financial assurance plan.

(3) A county or municipality may not file a financial assurance plan under this subsection until the local governing body of the county or municipality:

(I) Holds a public hearing on the financial assurance plan; and

(II) Approves the financial assurance plan.

(4) (I) Subject to subparagraphs (II) and (III) of this paragraph, the Department shall make a decision whether the financial assurance plan demonstrates sufficient funding within 90 days after the county or municipality filed the financial assurance plans with the Department.

(II) For a financial assurance plans that is filed on or before July 1, 2016, funding in the financial assurance plan is sufficient if the financial assurance plan demonstrates that the county or the municipality has dedicated revenues, funds, or sources of funds to meet, for the 2-year period immediately following the filing date of the financial assurance plan, 75% of the projected costs of compliance with the impervious surface restoration plan requirements of the county or municipality under its National Pollutant Discharge Elimination System Phase I Municipal Separate Storm Sewer System permit over that 2-year period.

(III) For the filing of a second and subsequent financial assurance plan, funding in the financial assurance plan is sufficient if the financial assurance plan demonstrates that the county or municipality has dedicated revenues, funds, or sources of funds to meet, for the 2-year period immediately following the filing date of the financial assurance plan, 100% of the projected costs of compliance with the impervious surface restoration plan requirements of the county or municipality under its National Pollutant Discharge Elimination System Phase I Municipal Separate Storm Sewer System permit over the 2-year period.

11.2 Maryland Department of the Environment – Guidance for the Financial Assurance Plan Preparation

Maryland Department of the Environment released draft guidance for the preparation of the Financial Assurance Plan on December 18, 2015, in the form of written guidance and spreadsheets that will need to be populated with data and submitted. MDE plans to finalize the guidance and spreadsheets after a meeting with the NPDES – MS4 Phase I jurisdictions in January 2016.

Baltimore County feels that given the changes required as a result of passage of SB863 that submission of fiscal data beyond FY2016 is premature. Baltimore County is currently in the process of preparing the Financial Assurance Plan as part of the budget for fiscal year 2017, but as yet has insufficient information to submit detail financial information as part of this report. Any information submitted for future year funding would be speculative at this point and would usurp the prerogative of the County Executive and the County Council in the preparation of the budget.

The fiscal year 2016 adopted budget is available on-line and consists of the following components:

FY16 Adopted Operating and Capital Budget:

<http://resources.baltimorecountymd.gov/Documents/Budget/16budget/fy16adoptedoperatingcapitalbudget.pdf>

FY16 Adopted Operating Budget Supporting Detail:

<http://resources.baltimorecountymd.gov/Documents/Budget/16budget/fy16operatingbudgetsupportingdetail.pdf>

FY16 Adopted Capital Budget Supporting Detail:

<http://resources.baltimorecountymd.gov/Documents/Budget/16budget/fy16capitalbudgetsupporting.pdf>

The operating budget for FY16 is a total of \$7,433,270. Table 11-1 presents detail of the FY14 – FY16 operating budgets.

Table 11-1: Summary of Operating Budget for Fiscal Year 2016

Description	Actual 2014	Appropriated 2015	Budget 2016
01 Personnel Services	\$5,418,146	\$6,067,249	\$5,646,462
02 Mileage & Travel	\$10,350	\$23,000	\$22,100
03 Contractual Services	\$301,892	\$1,483,402	\$864,743
04 Rents & Utilities	\$261,284	\$278,193	\$288,088
05 Supplies & Materials	\$95,717	107,340	\$116,900
07 Grants, Subsidies, Contributions	\$229,469	\$467,698	\$248,719
08 Other Charges	\$60,248	\$2,500	\$246,258
09 Land, Bldg, Other Improvements	\$479,643	\$0	\$0
Total Expenditures	\$6,856,749	\$8,429,382	\$7,433,270
Original General Fund Appropriation	\$5,112,590	\$5,157,921	\$4,926,569
General Fun Approp Trans/Supplement	\$124,775	0	
Adjusted General Fun Appropriation	\$5,237,365	\$5,157,921	\$4,926,569
Special Fund Authorization – Fund 005	\$677,425	\$626,421	\$698,451
Special Fund Authorization – Fund 006	\$2,557,566	\$2,645,040	\$1,808,250
Total Expenditure Authorization	\$8,472,356	\$8,429,382	\$7,433,270
Less: Unexpended balance	-\$1,615,607		
Expenditure Totals	\$6,856,749	\$8,429,382	\$7,433,270
Authorized Positions – Full Time	84	84	79
Authorized Positions – Part Time	13	11	12
Full Time Equivalents – Total	82.2	96.71	92.69

NPDES - 2014 Annual Report
Section 11 – Program Funding

Table 11-2 provides a summary of the Department of Environmental Protection and Sustainability capital program as passed by the County Council for fiscal year 2016. Only the prior authorizations and fiscal year 2016 information is provided. The capital budget for future years will be provided in the Financial Assurance Plan to be submitted by July 1, 2016.

Table 11-2: Summary of Capital Budget – FY2016 and Prior Authorizations

Title	Prior Authorizations	FY 2016	Total Through 2016
Watershed Restoration	\$6,721,234	\$831,000	\$7,552,234
Lower Gunpowder Watershed	\$7,767,159	\$200,000	\$7,967,159
Gunpowder River Watershed	\$2,849,449	\$100,000	\$2,949,449
Patapsco River Watershed	\$1,102,794	\$250,000	\$1,352,794
Gwynns Falls Watershed	\$7,667,428	\$1,415,000	\$9,082,428
Jones Falls Watershed	\$6,945,412	\$350,000	\$7,295,412
Back River Watershed	\$14,704,802	\$200,000	\$14,904,802
Environmental Management	\$9,119,356	\$710,000	\$9,829,356
Stormwater - Restoration and Retrofit	\$10,441,372	\$5,377,450	\$15,818,822
Stormwater – Planning & Monitoring	\$1,056,472	\$701,472	\$1,757,944
Stormwater – Sustainability	\$1,348,400	\$66,700	\$1,415,100
Community Conservation	\$3,744,508	\$100,000	\$3,844,508
Totals	\$73,468,386	\$10,301,622	\$83,770,008